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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 10/565,690 | 01/24/2006 | Claude Baudrenghien | 1717214 | 2525 |
| 24240 7590 12/28/2006 CHAPMAN AND CUTLER 111 WEST MONROE STREET CHICAGO, IL 60603 | | | EXAMINER O HERN, BRENT T | |
| | | | ART UNIT 1772 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 12/28/2006 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/565,690 | Applicant(s) BAUDRENCHIEN ET AL. | |
| | Examiner Brent T. O'Hern | Art Unit 1772 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase **“pierced by a slot”** in claim 1, line 2 is vague and indefinite since it is unclear whether the package, the envelope or both are pierced.

The phrase **“self adhesive strip (10)”** in claim 1, line 3 is vague and indefinite since it is unclear whether applicant is referring back to the “self adhesive strip” in line 2 or to a specific adhesive strip in a drawing within the Specification. Applicant is advised to consider deleting all reference numbers or to carefully review the claims and be sure that applicant is consistent in using reference numbers.

The phrase **“communicating with”** in claim 6, line 3, claim 13, line 2, claim 14, line 2 and claim 15, line 2 is vague and indefinite since it is unclear what communication is taking place with the slot, how the communication is taking place or precisely what applicant means by communicating.

The phrase **“comprises at least one sheet (2,6) in oriented polyamide”**, in claim 7, lines 1-2 is vague and indefinite since it is unclear whether the envelope comprises a polyamide, something is in the polyamide, polyamide is in the package or something else.

Claim 9 recites the limitation “**onto the wall (4)**” in line 8. There is insufficient antecedent basis for this limitation in the claim.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

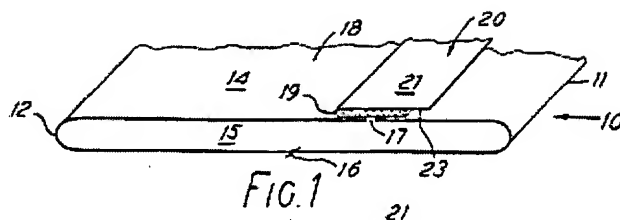
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanders (US 4,709,399).

Regarding claim 1, Sanders ('399) teaches an air-tight package comprising a flexible air- tight envelope (*FIG-1, #10 and col. 2, ll. 5-10*), of which one wall is pierced by a slot (*FIG-1, #17*), and a self adhesive strip to close the slot in the envelope (*FIG-1, #20*), wherein the self adhesive strip comprises two parallel self adhesive faces (*FIG-1, top and bottom of #19*), of which one wherein a first of the faces is completely covered with a detachable protective strip (*FIG-1, strip #21*), and of which the other wherein a second of the faces comprises a first zone that is fixed to the above mentioned wall of the envelope (*FIG-1, bottom side of #19 fixed to #14*), along a lip of the slot and a second zone that extends in front of the slot and beyond a second lip of the slot (*FIG-1, wherein #19 bridges #17*), the second zone of the self adhesive strip being covered with a detachable protective strip (*FIG-1, #19 bridges #17*).

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Regarding claim 2, Sanders ('399) teaches a package wherein the envelope extends beyond the above mentioned second lip of the slot (*FIG-1, wherein #21 bridges #17*), for a distance at least equal to the a length of the above mentioned second zone of the self adhesive strip (*FIG-1, wherein #21 extends beyond #19*).

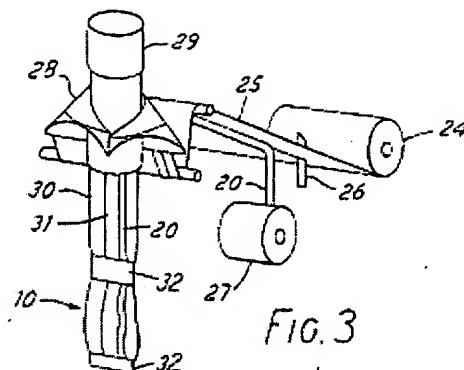
Regarding claim 3, Sanders ('399) teaches a package wherein the length of the above mentioned second zone of the self adhesive strip is at least equal to the a length of the above mentioned first zone of the said self adhesive strip (*FIG-1, wherein the length of #19 is the same length on both sides of #17*).

Regarding claims 4 and 11-12, Sanders ('399) teaches a package wherein the slot is rectilinear (*FIG-1, #17 extending below #20*).

Regarding claim 5, Sanders ('399) teaches a package wherein the slot is arranged close to the a rectilinear edge of the envelope (*FIG-1, #17 at edge of #14*).

Regarding claims 6 and 13-15, Sanders ('399) teaches a package wherein the envelope is divided into a plurality of distinct pockets with a slot (*FIG-3, plurality of pockets inside of plurality of #10, with slot below #20*).

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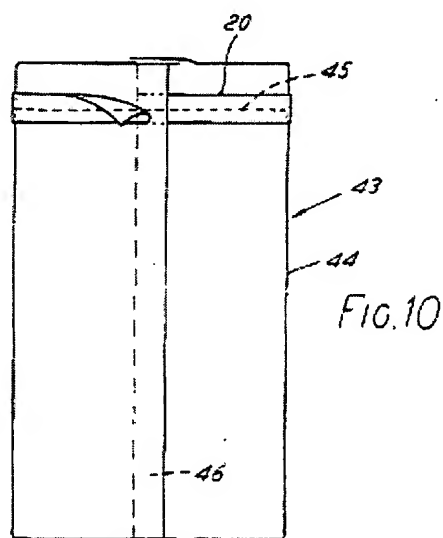
Regarding claim 9, Sanders ('399) teaches a method for the airtight packing of a product comprising the steps of:

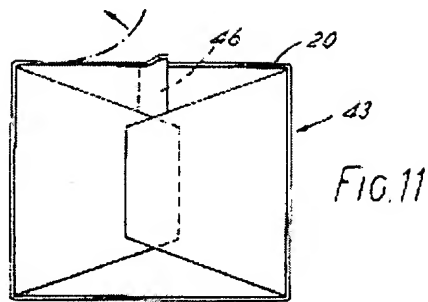
providing a package (FIGs 1 and 3, #10 and col. 4, ll. 47-60);

inserting the product into the envelope, through the slot (col. 5, ll. 11-15);

removing the protective strip covering the second zone of the self adhesive strip and sealing the second zone is sealed on the second lip of the slot and onto the wall of the envelope (col. 4, ll. 39-46);

removing the protective strip from the first face of the self adhesive strip (col.4, ll. 15-26 and FIGs 10-11, #43); and





folding the envelope back on itself along the slot, so that the stripped face of the self-adhesive strip is folded back on itself (*col. 7, ll. 4-22 and FIGs 10-11, #43*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders (US 4,709,399) in view of Kane, JR. et al. (US 2004/0173492).

Sanders ('399) teaches a package discussed above, however, fails to expressly disclose wherein the envelope comprises at least one sheet being an oriented polyamide, laminated with a polyethylene layer, inside the envelope.

However, Kane ('492) teaches wherein the envelope comprises at least one sheet being an oriented polyamide, laminated with a polyethylene layer, inside the envelope (*paras. 58-59*) for the purpose of providing structure and barrier for the packaged goods (*paras. 57-59*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide an envelope comprising an oriented polyamide and polyethylene as taught by Kane ('492) in Sanders ('399) in order to provide structure and barrier for the packaged goods.

4. Claims 8 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders (US 4,709,399) in view of Cooley et al. (US 5,660,925).

Sanders ('399) teaches a package discussed above, however, fails to expressly disclose wherein the self adhesive strip comprises at least one sheet in of synthetic olefin polymer, covered with a rubber based adhesive.

However, Cooley ('925) teaches wherein the self adhesive strip comprises at least one sheet in of synthetic olefin polymer, covered with a rubber based adhesive (*See col. 5, l. 64 to col. 6, l. 9, col. 6, ll. 42-53, col. 9, ll. 62-63 and FIGs 1 and 2, wherein label #10 with olefin film #12 having rubber based adhesive #24 backing joins components #28a and #28b.*) for the purpose of providing an adhesive that is tacky at room temperature, can be adhered to a surface by application of a light pressure and is tamper-indicating (*See col. 5, l. 64 to col. 6, l. 5 and col. 6, ll. 42-45.*).

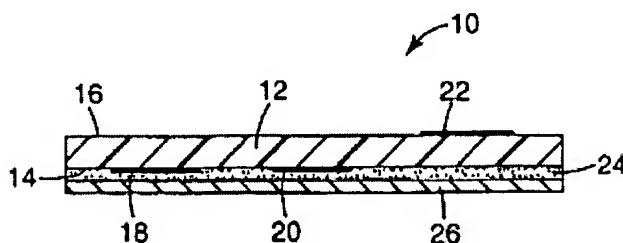
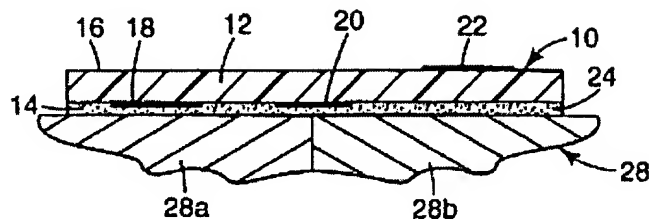


Fig. 1

**Fig. 2**

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide the above adhesive strip as taught by Cooley ('925) in Sanders ('399) in order to provide an adhesive that is tacky at room temperature and can be adhered to a surface by application of a light pressure.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders (US 4,709,399).

Sanders ('399) teaches the above method, however, fails to expressly disclose wherein a relative pressure of at least 0.95 bar and a temperature of -40 °C to 55 °C exist inside the package after packing.

However, Sanders ('399) teaches that it is known to manufacture flexible containers with closures comprising pressure sensitive adhesive (*col. 1, ll. 14-19*), which clearly must be at a pressure in excess of 0.95 bar and at a temperature of -40 °C to 55 °C since normal atmospheric pressure is about 1 bar and normal temperatures on Earth are well known to be within -40 °C to 55 °C. Therefore, it would clearly be obvious that the method as taught Sanders ('399) would also be at the above pressure and temperature.

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Conclusion

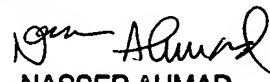
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BTO

Brent T O'Hern
Examiner
Art Unit 1772
December 19, 2006


NASSER AHMAD
PRIMARY EXAMINER 12/21/06